

CLOSED

**U.S. District Court
Southern District of Florida (Miami)
CRIMINAL DOCKET FOR CASE #: 1:18-mj-03171-LFL All Defendants**

Case title: USA v. Gonzalez Testino

Date Filed: 07/31/2018

Date Terminated: 08/29/2018

Assigned to: Magistrate Judge Lauren Fleischer Louis

Defendant (1)

Jose Manuel Gonzalez Testino

18978-104

YOB 1969 ENGLISH

TERMINATED: 08/29/2018

represented by **Noticing FPD-MIA**

305.530.7000

Email: MIA_ECF@FD.org

LEAD ATTORNEY

ATTORNEY TO BE

NOTICED

*Designation: Public Defender
Appointment*

Edward Robert Shohat

Jones Walker, LLP

Miami Center

201 S. Biscayne Blvd

Twenty Sixth Floor

Miami, FL 33131-2944

305 679-5700

Fax: 305 679-5710

Email: eshohat@joneswalker.com

LEAD ATTORNEY

ATTORNEY TO BE

NOTICED

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints**Disposition**

WARRANT/COMPLAINT/SD/TEXAS/CONSP/VIOLEATE
FOREIGN CORRUPT PRACTICES ACT

Plaintiff

USA

represented by **Daniel Marcet**
US Attorney's Office
99 Northeast Fourth Street
Miami, FL 33132
305-961-9099
Email: Daniel.Marcet@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Date Filed	#	Page	Docket Text
07/31/2018	<u>1</u>	4	Magistrate Removal of Warrant/Complaint from the Southern District of Texas; Case number in the other District H18-1203M, as to Jose Manuel Gonzalez Testino (1). (cg1) (Entered: 08/01/2018)
07/31/2018	<u>2</u>	19	Minute Order for proceedings held before Magistrate Judge Lauren Fleischer Louis: Initial Appearance in Rule 5(c)(3)/Rule 40 Proceedings as to Jose Manuel Gonzalez Testino held on 7/31/2018. Date of Arrest or Surrender: 7/31/18. Detention Hearing set for 8/3/2018 11:00 AM in Miami Division before MIA Duty Magistrate. Removal Hearing set for 8/14/2018 10:00 AM in Miami Division before MIA Duty Magistrate. Attorney added: Noticing FPD-MIA for Jose Manuel Gonzalez Testino (Digital 14:52:42) Signed by Magistrate Judge Lauren Fleischer Louis on 7/31/2018. (cg1) (Entered: 08/01/2018)
08/01/2018	<u>3</u>	20	Invocation of Right to Silence and Counsel by Jose Manuel Gonzalez Testino (Chen, Vanessa) (Entered: 08/01/2018)
08/02/2018		23	PAPERLESS NOTICE RESETTNG HEARINGas to Jose Manuel Gonzalez Testino : **TIME CHANGE ONLY** Detention Hearing reset for 8/3/2018 10:00 AM in Miami Division before MIA Duty Magistrate. (cg1) (Entered: 08/02/2018)
08/03/2018	<u>4</u>	24	NOTICE OF ATTORNEY APPEARANCE: Edward Robert Shohat appearing for Jose Manuel Gonzalez Testino . Attorney Edward Robert Shohat added to party Jose Manuel Gonzalez Testino (pty:dft). (Shohat, Edward) (Entered: 08/03/2018)
08/03/2018	<u>5</u>	26	Minute Entry for proceedings held before Magistrate Judge Lauren Fleischer Louis: Status Conference re: detention as to Jose Manuel Gonzalez Testino held on 8/3/2018. (Detention Hearing reset for 8/17/2018 10:00 AM in Miami Division before MIA Duty Magistrate. Removal Hearing reset for 8/17/2018 10:00 AM in Miami Division before MIA Duty Magistrate.) (Digital 10:13:06) (cg1) (Entered: 08/03/2018)
08/03/2018	<u>6</u>	27	

			WAIVER of timely detention hearing/Speedy Trial by Jose Manuel Gonzalez Testino (cg1) (Entered: 08/03/2018)
08/10/2018	<u>7</u>		TRANSCRIPT of Initial Appearance as to Jose Manuel Gonzalez Testino held on 7/31/2018 before Magistrate Judge Lauren Fleischer Louis, 1–10 pages, Court Reporter: Carl Schanzleh, 954–424–6723. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 8/31/2018. Redacted Transcript Deadline set for 9/10/2018. Release of Transcript Restriction set for 11/8/2018. (apz) (Entered: 08/13/2018)
08/14/2018	<u>8</u>	28	Agreed MOTION to Continue / <i>Postpone Removal and Detention Hearings until August 29, 2018</i> by Jose Manuel Gonzalez Testino. Responses due by 8/28/2018 (Attachments: # <u>1</u> Text of Proposed Order)(Shohat, Edward) (Entered: 08/14/2018)
08/14/2018	<u>9</u>	31	ORDER granting <u>8</u> Motion to Continue as to Jose Manuel Gonzalez Testino (1). Detention Hearing reset for 8/29/2018 10:00 AM in Miami Division before MIA Duty Magistrate. Removal Hearing reset for 8/29/2018 10:00 AM in Miami Division before MIA Duty Magistrate. Signed by Magistrate Judge Patrick A. White on 8/14/2018. <i>See attached document for full details.</i> (cg1) (Entered: 08/14/2018)
08/20/2018	<u>10</u>	32	WAIVER of Preliminary Hearing by Jose Manuel Gonzalez Testino (Shohat, Edward) (Entered: 08/20/2018)
08/21/2018	<u>11</u>	34	WAIVER of Speedy Trial by Jose Manuel Gonzalez Testino (Shohat, Edward) (Entered: 08/21/2018)
08/29/2018	<u>12</u>	36	Minute Entry for proceedings held before Magistrate Judge Edwin G. Torres: Removal Hearing/Detention Hearing as to Jose Manuel Gonzalez Testino held on 8/29/2018. Defendant WAIVED removal DE <u>10</u> and the parties STIPULATED to pretrial detention, with the right to revisit (NO HEARING HELD) (Digital 10:06:58) (gp) (Entered: 08/29/2018)
08/29/2018	<u>13</u>	37	COMMITMENT TO ANOTHER DISTRICT as to Jose Manuel Gonzalez Testino. Defendant committed to District of Southern District of Texas. Closing Case for Defendant. Signed by Magistrate Judge Edwin G. Torres on 8/29/2018. <i>See attached document for full details.</i> (gp) (Entered: 08/29/2018)

AO 442 (Rev. 11/11) Arrest Warrant

FILED BY mdc

Jul 31, 2018

STEVEN M. LARIMORE
CLERK U.S. DISTRICT CT.
S.D. OF FLA. Miami, Florida

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States of America
v.
Jose Manuel Gonzalez Testino

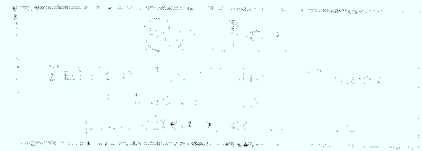
18-3171-LOUIS

Case No.

H18-1203M

Defendant

ARREST WARRANT



To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) Jose Manuel Gonzalez Testino
who is accused of an offense or violation based on the following document filed with the court:

- ☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☒ Complaint
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

Conspiracy to violate the Foreign Corrupt Practices Act (FCPA), 18 U.S.C. Section 371, and
Violation of the FCPA, 15 U.S.C. Section 78dd-2

TRUE COPY I CERTIFY

ATTEST: July 27, 2018

DAVID J. BRADLEY, Clerk of Court

By: Kathy Murphy Deputy Clerk

Date: 07/27/2018

Issuing officer's signature

City and state: Houston, Texas

U.S. Magistrate Judge Christina A. Bryan

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title

**This second page contains personal identifiers provided for law-enforcement use only
and therefore should not be filed in court with the executed warrant unless under seal.**

(Not for Public Disclosure)

Name of defendant/offender: _____

Known aliases: _____

Last known residence: _____

Prior addresses to which defendant/offender may still have ties: _____

Last known employment: _____

Last known telephone numbers: _____

Place of birth: _____

Date of birth: _____

Social Security number: _____

Height: _____ Weight: _____

Sex: _____ Race: _____

Hair: _____ Eyes: _____

Scars, tattoos, other distinguishing marks: _____

History of violence, weapons, drug use: _____

Known family, friends, and other associates (*name, relation, address, phone number*): _____

FBI number: _____

Complete description of auto: _____

Investigative agency and address: _____

Name and telephone numbers (office and cell) of pretrial services or probation officer (*if applicable*): _____

Date of last contact with pretrial services or probation officer (*if applicable*): _____

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
Southern District of TexasUnited States of America
v.
Jose Manuel Gonzalez Testino

Case No.

United States District Court
Southern District of Texas
FILED

JUL 27 2018

David J. Bradley, Clerk of Court

H18-1203M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of _____ in or about 2012 and 2013 _____ in the county of _____ Harris and elsewhere _____ in the
Southern District of Texas _____, the defendant(s) violated:

Code Section

18 U.S.C. Section 371
15 U.S.C. Section 78dd-2

Offense Description

Conspiracy to violate the Foreign Corrupt Practices Act (FCPA)
Substantive violation of the FCPA

TRUE COPY I CERTIFY

ATTEST: July 27, 2018

DAVID J. BRADLEY, Clerk of Court

By: Kathy Murphy
Deputy Clerk

This criminal complaint is based on these facts:

See Affidavit

☒ Continued on the attached sheet.
Complainant's signature

HSI Special Agent Derek Matthews

Printed name and title

Sworn to before me and signed in my presence.

Date: 07/27/2018


Judge's signature

City and state: Houston, Texas

U.S. Magistrate Judge Christina A. Bryan

Printed name and title

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL NO.
	§	
JOSE MANUEL GONZALEZ	§	UNDER SEAL
TESTINO	§	

**AFFIDAVIT IN SUPPORT OF
CRIMINAL COMPLAINT AND ARREST WARRANT**

I, Derek Matthews, ("Affiant"), being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AFFIANT'S BACKGROUND

1. I am a Special Agent with Homeland Security Investigations ("HSI") under the United States Department of Homeland Security. I have been a Special Agent for approximately nineteen years and am presently assigned to the Houston Field Office, Financial Fraud Group, where I am responsible for conducting criminal investigations pertaining to the Foreign Corrupt Practices Act, conspiracy, money laundering, and other criminal violations. I am an investigative or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to

conduct investigations and to make arrests for federal felonies. Prior to this assignment, I was a Special Agent for the Federal Deposit Insurance Corporation.

2. As a Special Agent with HSI, I have received training related to the enforcement of various statutes of the United States Code, specifically, but not limited to, Title 15, United States Code, Section 78dd-1 *et seq.*, the Foreign Corrupt Practices Act (“FCPA”).

3. I make this affidavit in support of a criminal complaint and arrest warrant related to conspiracy to violate and substantive violations of the FCPA, by the defendant, **JOSE MANUEL GONZALEZ TESTINO (“GONZALEZ”)**. The information contained in this affidavit is based upon my personal knowledge, as well as information obtained from other sources, including (a) statements made or reported by various witnesses, including cooperating witnesses, with knowledge of relevant facts; (b) my review of publicly available information relating to **GONZALEZ** and other relevant individuals and entities; (c) documents, including financial records, obtained from various sources; and (d) discussions with other law enforcement officials. I have limited this affidavit to those facts necessary to support a finding of probable cause that **GONZALEZ** conspired to violate the FCPA in violation of Title 18, United States Code, Section 371, and did violate Title 15, United States Code, Section 78dd-2 (the Foreign Corrupt Practices Act). Accordingly, this affidavit does not include a complete recitation of the entire

investigation or of each and every fact and matter observed by or known to law enforcement relating to the subject matter of this investigation. Additionally, unless otherwise noted, wherever in this affidavit I assert that a statement was made by an individual, that statement is described in substance and in part, and is not intended to be a verbatim recitation of the entire statement made by the individual.

PROBABLE CAUSE

Entities and Individuals

4. Petroleos de Venezuela S.A. (“PDVSA”) is the Venezuelan state-owned and state-controlled oil company. PDVSA and its subsidiaries are responsible for the exploration, production, refining, transportation, and trade in energy resources in Venezuela and provided funding for other operations of the Venezuelan government. PDVSA and its wholly owned subsidiaries are “instrumentalities” of the Venezuelan government as that term is used in the FCPA, Title 15, United States Code, Section 78dd-2(h)(2)(A).

5. Bariven, S.A. (“Bariven”) is a wholly-owned subsidiary of PDVSA that at all relevant times was responsible for procuring goods and services on behalf of PDVSA.

6. Cooperating Witness 1 (“CW-1”), is a Venezuelan national who, from at least 2011 until June 2013, was employed by PDVSA. CW-1 held a number of positions at PDVSA and Bariven, ultimately being named as a high-level Bariven

executive in or about January 2012. In his capacity as a Bariven executive, among other duties, CW-1 had the responsibility for assembling and revising Bariven's weekly payment proposals, which set forth the debt Bariven owed to its numerous vendors and proposed payments of various amounts to selected vendors. CW-1 was a "foreign official" as that term is used in the FCPA, Title 15, United States Code, Section 78dd-2(h)(2)(A). CW-1 has pleaded guilty, pursuant to a plea agreement, to one count of conspiracy to launder money. CW-1 is cooperating with the government, which may lead to a more favorable sentence.

7. **GONZALEZ** is a United States citizen and thus a "domestic concern" as that term is used in the FCPA, Title 15, United States Code, Section 78dd-2(h)(1).

8. At all relevant times, **GONZALEZ** controlled a number of U.S. and Panama-based energy companies that supplied equipment and services to PDVSA.

9. "Company A" is a company organized under the laws of Panama. Company A is controlled by **GONZALEZ** and was used by **GONZALEZ** to secure contracts with PDVSA and its subsidiaries.

10. "Co-Conspirator 1" is a Venezuelan citizen and resident of Miami, Florida. Co-Conspirator 1 was **GONZALEZ**'s business partner in Company A and other companies.

11. “Company B” is a company organized under the laws of Panama. Company B is controlled by **GONZALEZ** and was used by **GONZALEZ** to secure contracts with PDVSA and its subsidiaries.

12. “Company C” is a company organized under the laws of Panama. Company C is controlled by **GONZALEZ** and was used by **GONZALEZ** to secure contracts with PDVSA and its subsidiaries.

13. “Bank Account 1” is a bank account located in the Southern District of Texas, into which **GONZALEZ**’s companies, including Company A and Company B, made bribe payments during the course of the conspiracy.

14. “Bank Account 2” is a bank account located in the Southern District of Florida, into which **GONZALEZ**’s companies, including Company A, Company B, and Company C, made bribe payments during the course of the conspiracy.

The Bribery Scheme

15. Agents from HSI have interviewed CW-1 on multiple occasions in 2018. During these interviews, CW-1 admitted, in sum and substance, that he received bribe payments and other things of value from **GONZALEZ** while CW-1 was employed as the General Manager of Bariven in exchange for acts and decisions taken by CW-1 in his official capacity; for inducing CW-1 to use his influence with

Bariven, PDVSA, and other foreign officials in order to affect or influence acts and decisions thereof; and for other improper business advantages and assistance from CW-1. Specifically, in exchange for bribes from **GONZALEZ**, CW-1 took steps to direct contracts to **GONZALEZ**'s companies, gave **GONZALEZ**'s companies priority over other vendors to receive payments, and awarded **GONZALEZ**'s contracts with PDVSA in United States dollars, instead of Venezuelan bolivars. In addition, CW-1 helped **GONZALEZ** prepare a presentation to be given to the PDVSA Board of Directors, and CW-1 assisted **GONZALEZ** in receiving priority to meet with the board. CW-1 also took steps to influence the PDVSA Board of Directors' decision to award a contract for turbine generators to one of **GONZALEZ**'s companies.

16. CW-1 has stated that while he was meeting with **GONZALEZ** regarding Company A and his other companies, **GONZALEZ** often called Co-Conspirator 1 before making decisions concerning their businesses.

17. CW-1 admitted to the government that he received bribes from **GONZALEZ** into two banks accounts in the United States, Bank Account 1 and Bank Account 2. Both bank accounts were in the name of a company owned by one of CW-1's relatives, and the accounts were used by CW-1 to accept bribe payments from **GONZALEZ** and others in 2012 and 2013 while he was a foreign official.

18. The information provided by CW-1 is corroborated by documents. Bank records show that Swiss bank accounts in the names of Companies A, B, and C wired bribe payments to Bank Account 1 and Bank Account 2 including the following payments on the following dates:

Date	Beneficiary Bank Account	Payor	Amount
11/27/2012	Bank Account 1	Company A	\$50,000.00
1/15/2013	Bank Account 1	Company B	\$50,000.00
3/5/2013	Bank Account 2	Company A	\$50,000.00
3/7/2013	Bank Account 2	Company A	\$50,000.00
3/21/2013	Bank Account 2	Company A	\$50,000.00
4/8/2013	Bank Account 2	Company A	\$75,000.00
4/17/2013	Bank Account 2	Company A	\$75,000.00
4/24/2013	Bank Account 2	Company B	\$50,000.00
5/2/2013	Bank Account 2	Company C	\$29,000.00
5/14/2013	Bank Account 2	Company C	\$100,000.00
6/3/2013	Bank Account 2	Company A	\$50,000.00

19. In addition, Cooperating Witness 2 (“CW-2”) corroborates CW-1’s statements that **GONZALEZ** and Co-Conspirator 1 controlled Company A,

Company B, and Company C. CW-2 was the owner of a number of U.S.-based energy companies, including several companies located in the Southern District of Texas that supplied equipment and services to PDVSA, and a resident of Texas. CW-2 has pleaded guilty, pursuant to a plea agreement, to one count of conspiracy to violate the FCPA, one substantive count of violating the FCPA, and one count of making false statements in connection with his federal income tax return. CW-2 is cooperating with the government, which may lead to a more favorable sentence.

20. Bank records and other documents reveal that, in total, **GONZALEZ** paid at least \$629,000.00 in bribes to CW-1 in the form of wire transfers to Bank Account 1 and Bank Account 2.

CONCLUSION

21. Based on the forgoing, I believe that probable cause exists to issue a criminal complaint and arrest warrant charging **JOSE MANUEL GONZALEZ TESTINO** with violating Title 18, United States Code, Section 371 (conspiracy to violate the FCPA) and violations of the FCPA, Title 15, United States Code, Section 78dd-2 (the Foreign Corrupt Practices Act).

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Respectfully submitted,


Derek Matthews
Special Agent
Homeland Security Investigations

Subscribed and sworn to before me on July 27, 2018


UNITED STATES MAGISTRATE JUDGE

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA

v.

JOSE MANUEL GONZALEZ TESTINO

§
§
§
§

Case No.:

UNDER SEAL

H18-1203M

ORDER TO SEAL

Upon review of the Government's Motion to Seal, that Motion is hereby GRANTED. Accordingly, it is ORDERED that the Criminal Complaint in the above captioned case, Arrest Warrant, Affidavit, Government's Motion to Seal and this Order be placed under seal *until time of arrest.* It is further ORDERED that the District Clerk's Office shall provide copies of these documents to the United States Attorney's Office upon request.

Signed in Houston, Texas on July 27, 2018.


UNITED STATES MAGISTRATE JUDGE

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

United States Court
Southern District of Texas
FILED

JUL 27 2018

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA

§
§
§
§

v.

Case No.:

JOSE MANUEL GONZALEZ TESTINO

UNDER SEAL

H18-1203M

MOTION TO SEAL

COMES NOW the United States of America, by and through its United States Attorney for the Southern District of Texas and the Acting Chief of the Fraud Section of the United States Department of Justice, and respectfully requests that the Court enter an Order directing the Clerk of the Court to seal the Criminal Complaint, Arrest Warrant, Affidavit, this Motion, and the accompanying Order.

The requested sealing will protect the integrity of the ongoing investigation of Defendant Jose Manuel Gonzalez Testino and others. Any disclosure of the Criminal Complaint or other documents listed above may cause the defendant or others to flee the jurisdiction of the Court or destroy evidence. In addition, the United States requests that the Court order that the United States Attorneys Office may obtain copies of the sealed documents upon request to the Clerk's Office.

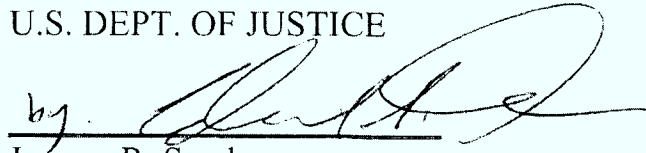
Respectfully submitted,

RYAN K. PATRICK
UNITED STATES ATTORNEY

A handwritten signature in black ink, appearing to read "John P. Pearson", written over a horizontal line.

John P. Pearson
Robert S. Johnson
Assistant United States Attorneys

SANDRA MOSER
ACTING CHIEF, FRAUD SECTION
U.S. DEPT. OF JUSTICE

A handwritten signature in black ink, appearing to read "by: Jeremy R. Sanders", written over a horizontal line.

Jeremy R. Sanders
Sarah E. Edwards
Trial Attorneys, U.S. Dept. of Justice

MINUTE ORDER

Page 10

Magistrate Judge Lauren F. Louis

Date: 7/31/18 Time: 1:30 p.m.

Defendant: Jose Manuel Gonzalez Testino J#: 18978-104 Case #: 18-3171-LOUISAUSA: Daniel Marcet Attorney: AFPD Vanessa ChenViolation: Warrant/Complaint/SD-TX, Houston/Conspiracy to Violate The Foreign Corrupt Practices Act, Viol of FCPA Surr/Arrest Date: 7/31/2018 YOB: 1969Proceeding: Initial Appearance CJA Appt: _____Bond/PTD Held: ☐ Yes ☐ No Recommended Bond: _____

Bond Set at: _____ Co-signed by: _____

☐ Surrender and/or do not obtain passports/travel docsLanguage: English☐ Report to PTS as directed/or _____ x's a week/month by phone: _____ x's a week/month in person

Disposition:

Random urine testing by Pretrial

☐ Services

Treatment as deemed necessary

☐ Refrain from excessive use of alcohol☐ Participate in mental health assessment & treatment☐ Maintain or seek full-time employment/education☐ No contact with victims/witnesses, except through counsel☐ No firearms☐ Not to encumber property☐ May not visit transportation establishments☐ Home Confinement/Electronic Monitoring and/or

Curfew _____ pm to _____ am, paid by _____

☐ Allowances: Medical needs, court appearances, attorney visits, religious, employment☐ Travel extended to: _____☐ Other: _____

Defendant advised of rights and charges

Defendant sworn; AFPD appointed

Govt rec Detention based on risk/flight; requests 3 days for hearing

Time from today to _____ excluded from Speedy Trial Clock

NEXT COURT APPEARANCE Date: _____ Time: _____ Judge: _____ Place: _____

Report RE Counsel: _____

PTD Hearing: 8/3/18 11:00 a.m. Duty/MiamiRemoval Hearing: 8/14/18 10:00 a.m. Duty/Miami

Status Conference RE: _____

D.A.R. 14:52:42 Time in Court: 7 mins

s/Lauren F. Louis Magistrate Judge

NITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 18-3171-MJ-LOUIS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSE MANUEL GONZALEZ TESTINO,

Defendant.

_____ /

**DEFENDANT'S INVOCATION OF
RIGHTS TO SILENCE AND COUNSEL**

The defendant named above does hereby invoke his rights to remain silent and to counsel with respect to any and all questioning or interrogation, regardless of the subject matter, including, but not limited to: matters that may bear on or relate to arrest, searches and seizures, bail, pretrial release or detention, evidence at trial, guilt or innocence, forfeitures; or that may be relevant to sentencing, enhanced punishments, factors applicable under the U.S. Sentencing Guidelines, restitution, immigration status or consequences resulting from arrest or conviction; appeals or other post-trial proceedings.

The defendant requests that the U.S. Attorney ensure that this invocation of rights is honored, by forwarding a copy of it to all law enforcement agents, government officials, or employees associated with the investigation of any matters

relating to the defendant. Any contact with the defendant must be made through the defendant's lawyer, undersigned counsel.

Respectfully Submitted,

MICHAEL CARUSO
FEDERAL PUBLIC DEFENDER

By: s/ Vanessa L. Chen
Vanessa L. Chen
Assistant Federal Public Defender
Florida Special A No.: A5501529
150 W. Flagler Street, Suite 1700
Miami, Florida 33130-1556
Tel: (305) 530-7000
Fax: (305) 536-4559
E-mail: vanessa_chen@fd.org

CERTIFICATE OF SERVICE

I HEREBY certify that on **August 1, 2018**, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or *pro se* parties via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

By: /s/ Vanessa L. Chen
Vanessa L. Chen

MIME-Version:1.0
From:cmechautosender@flsd.uscourts.gov
To:flsd_cmecf_notice
Bcc:
--Case Participants: Noticing FPD-MIA (mia_ecf@fd.org), Daniel Marcet (caseview.ecf@usdoj.gov, daniel.marcet@usdoj.gov, usafls-hqdk@usdoj.gov, yessenia.garcia@usdoj.gov), Magistrate Judge Lauren Fleischer Louis (louis@flsd.uscourts.gov)
--Non Case Participants:
--No Notice Sent:

Message-Id:17840448@flsd.uscourts.gov
Subject:Activity in Case 1:18-mj-03171-LFL USA v. Gonzalez Testino Set/Reset Hearings
Content-Type: text/html

U.S. District Court

Southern District of Florida

Notice of Electronic Filing

The following transaction was entered on 8/2/2018 at 3:37 PM EDT and filed on 8/2/2018

Case Name: USA v. Gonzalez Testino

Case Number: 1:18-mj-03171-LFL

Filer:

Document Number: No document attached

Docket Text:

PAPERLESS NOTICE RESETTING HEARING as to Jose Manuel Gonzalez Testino : ****TIME CHANGE ONLY**** Detention Hearing reset for 8/3/2018 10:00 AM in Miami Division before MIA Duty Magistrate. (cg1)

1:18-mj-03171-LFL-1 Notice has been electronically mailed to:

Noticing FPD-MIA MIA_ECF@FD.org

Daniel Marcet Daniel.Marcet@usdoj.gov, CaseView.ECF@usdoj.gov,
USAFLS-HQDKT@usdoj.gov, yessenia.garcia@usdoj.gov

1:18-mj-03171-LFL-1 Notice has not been delivered electronically to those listed below and will be provided by other means. For further assistance, please contact our Help Desk at 1-888-318-2260.:

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 18-mj-03171-LFL

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE MANUEL GONZALEZ TESTINO,

Defendant.

//

NOTICE OF APPEARANCE SDFL ONLY

NOTICE is given that Edward R. Shohat and the firm of Jones Walker, LLP, is appearing as counsel for Defendant, Jose Manuel Gonzalez Testino, in these proceedings in the Southern District of Florida. This appearance does not include representation on appeal or in the Southern District of Texas.

Respectfully submitted,

JONES WALKER, LLP

201 S. Biscayne Blvd., Twenty Sixth Floor
Miami, Florida 33131

Telephone: 305-679-5700

Facsimile: 305-679-5710

Email: eshohat@joneswalker.com

/s/ Edward R. Shohat

Florida Bar No. 152634

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on this 3rd day of August, 2018, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify the foregoing document is being served this day on all counsel of record either via transmission of Notices of Electronic Filing generated by CM/ECF or in another authorized manner for those counsel or parties not authorized to receive electronically Notices of Electronic Filing.

Daniel Marcet
US Attorney's Office
99 Northeast Fourth Street
Miami, FL 33132
305-961-9099
Email: Daniel.Marcet@usdoj.gov

FPD-MIA
305.530.7000
Designation: Public Defender Appointment
Email: MIA_ECF@FD.org

/s/ Edward R. Shohat

EDWARD R. SHOHAT

COURT MINUTES

Magistrate Lauren F. Louis

Atkins Building Courthouse - 11th Floor

Date: 8/3/2018

Time: 10:00 a.m.

Defendant: JOSE MANUEL GONZALEZ TESTINO J#: 78978-104 Case #: 18-3171-LOUIS

AUSA: Sarah Edwards Attorney: Ed Shohat (Perm)

Violation: WARR/COMPL/SD/TX/CONSPIRACY TO VIOLATE THE FOREIGN CORRUPT PRACTICES ACT

Proceeding: Detention Hearing CJA Appt: _____

Bond/PTD Held: ☐ Yes ☐ No Recommended Bond: TEMP PTD

Bond Set at: _____ Co-signed by: _____

☐ Surrender and/or do not obtain passports/travel docs

Language: English

☐ Report to PTS as directed/or _____ x's a week/month by phone: _____ x's a week/month in person

Disposition:

****Removal Hrg 8/14 @ 10am (date changed)**

☐ Random urine testing by Pretrial Services _____
Treatment as deemed necessary

Counsel filed permanent appearance via

☐ Refrain from excessive use of alcohol

CM/ECF

☐ Participate in mental health assessment & treatment

☐ Maintain or seek full-time employment/education

Defendant stipulated to waive his right to a
timely detention hearing through 8/17/18;

☐ No contact with victims/witnesses

Speedy trial waiver executed

☐ No firearms

☐ Not to encumber property

Removal hearing continued to 8/17/18

☐ May not visit transportation establishments

☐ Home Confinement/Electronic Monitoring and/or

Curfew _____ pm to _____ am, paid by _____

AFPD did not make an ore tenus motion to
withdraw from case

☐ Allowances: Medical needs, court appearances, attorney visits,
religious, employment

☐ Travel extended to: _____

**Time from today to 8/17/18 excluded
from Speedy Trial Clock**

☐ Other: _____

NEXT COURT APPEARANCE

Date:

Time:

Judge:

Place:

Report RE Counsel: _____

PTD Hearing: 8/17/18 10:00 a.m. Duty/Miami

Removal Hearing: 8/17/18 10:00 a.m. Duty/Miami

Status Conference RE: _____

D.A.R. 10:13:06

Time in Court: 8 mins

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO: 18-3171-Louis

UNITED STATES OF AMERICA

v.

Joel Testa

WAIVER OF ~~ATIMELY DETENTION~~ Hearing
AND EXCLUSION OF TIME UNDER THE SPEEDY TRIAL ACT

The defendant, having been advised of his right to a preliminary hearing or examination as to probable cause, and the defendant, having refused and waived a preliminary examination,

The defendant now signs this **Waiver of Preliminary Examination** through August 17, 2018 and agrees that this time will be excluded from the computation of the time within which an indictment or information must be filed, under 18 U.S.C. Section 3161.

DATED: August 3, 2018

Defendant: [Signature]

MAGISTRATE JUDGE'S CERTIFICATE

The undersigned United States Magistrate Judge certifies that the defendant, after being advised of his right to a preliminary examination, stated he refused and waived such preliminary examination and signed the foregoing Waiver of Preliminary Examination.

IT IS ORDERED that a preliminary examination in the above-entitled matter is waived through August 17, 2018, and based upon interests of justice, this time is excluded from the computation of the time within which an indictment or information must be filed under the Speedy Trial Act, 18 U.S.C. Section 3161.

Dated: Aug 3 2018

[Signature]

LAUREN F. LOUIS
UNITED STATES MAGISTRATE JUDGE

At MIAMI, FLORIDA

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 18-mj-03171-WHITE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE MANUEL GONZALEZ TESTINO,

Defendant.

//

**AGREED MOTION TO POSTPONE REMOVAL AND
DETENTION HEARINGS UNTIL AUGUST 29, 2018**

The United States, through DOJ Trial Attorney Sarah Edwards and SDTX AUSA Rob Johnson and the Defendant Jose Manuel Gonzalez, through his counsel, Edward R. Shohat, respectfully requests that this Court postpone the removal and detention hearings until August 29, 2018. In support of this motion, undersigned would show as follows:

1. The removal and detention hearings are presently set for this Friday, August 17, 2018.
2. Because of complicated facts and financial issues, the matter is not ripe to proceed on August 17th.
3. This court has the discretion to postpone removal and detention proceedings. *United States v. Montalvo-Murillo*, 495 U.S. 711, 718, 110 S. Ct. 2072, 2078 (1990).
4. The parties have agreed that it is in the interest of justice to continue the hearings until August 29th.
5. The Defendant will waive his speedy trial rights between August 17th and August 29, 2018.

6. The Government has requested that the undersigned counsel for the Defendant file this motion on behalf of the parties.

Wherefore, the parties respectfully request that this Court grant the postponement of the removal and detention hearings until August 29, 2018.

Respectfully submitted,

JONES WALKER, LLP

201 S. Biscayne Blvd., Twenty Sixth Floor

Miami, Florida 33131

Telephone: 305-679-5700

Facsimile: 305-679-5710

Email: eshohat@joneswalker.com

/s/ Edward R. Shohat

Florida Bar No. 152634

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on this 14th day of August, 2018, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify the foregoing document is being served this day on all counsel of record either via transmission of Notices of Electronic Filing generated by CM/ECF or in another authorized manner for those counsel or parties not authorized to receive electronically Notices of Electronic Filing.

Sarah E. Edwards, AUSA
Rob Johnson, AUSA
U.S. Department of Justice
Fraud Section
1400 New York Avenue
Washington, DC 20005
(202) 305-6761
Sarah.Edwards@usdoj.com

/s/ Edward R. Shohat

EDWARD R. SHOHAT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 18-mj-03171-LFL

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE MANUEL GONZALEZ TESTINO,

Defendant.

_____ //

**ORDER ON AGREED MOTION TO POSTPONE
REMOVAL AND DETENTION HEARINGS**

The defendant and the United States of America, having applied to this Court for an order to postpone the removal and detention hearings, and the Court finding good cause therefore:

IT IS HEREBY ORDERED that the parties' motion to postpone the pretrial detention and removal proceedings until August 29, 2018 is hereby GRANTED.

DONE AND ORDERED in Chambers at Miami, Florida this ____ day of August 2018.

U.S. MAGISTRATE JUDGE

Copies:
Sarah Edwards, AUSA
Rob Johnson, AUSA
Counsel of Record

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 18-mj-03171-LFL

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE MANUEL GONZALEZ TESTINO,

Defendant.

//

**ORDER ON AGREED MOTION TO POSTPONE
REMOVAL AND DETENTION HEARINGS**

The defendant and the United States of America, having applied to this Court for an order to postpone the removal and detention hearings, and the Court finding good cause therefore:

IT IS HEREBY ORDERED that the parties' motion to postpone the pretrial detention and removal proceedings until August 29, 2018 is hereby GRANTED.

DONE AND ORDERED in Chambers at Miami, Florida this 14th day of August 2018.



U.S. MAGISTRATE JUDGE

Copies:
Sarah Edwards, AUSA
Rob Johnson, AUSA
Counsel of Record

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 18-mj-03171- O'Sullivan

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE MANUEL GONZALEZ TESTINO,

Defendant.

//

**NOTICE OF WAIVER OF PRELIMINARY HEARING, REMOVAL HEARING AND
STIPULATION TO PRETRIAL DETENTION**

Defendant, Jose Manuel Gonzalez, through his signature below and through counsel herewith notifies the Court and the government that he waives the following hearings currently set for August 29, 2018:

- 1) Preliminary Hearing pursuant to Rules 5.1 and 5(c)(3)(C) of the Fed. R. Crim. P.;
- 2) Removal Hearing pursuant to Rule 5(c)(3)(D) of the Fed. R. Crim. P.; and
- 3) Pretrial Detention Hearing pursuant to 18 U.S.C. § 3142.

Gonzalez herewith stipulates to his pretrial detention.¹

I hereby confirm that I have fully consulted with my counsel, Edward R. Shohat, Esq., regarding my rights to the aforementioned proceedings and that I do waive my rights to such proceedings.

Dated: August 20, 2018


JOSE MANUEL GONZALEZ TESTINO

¹ Department of Justice Trial Attorney, Sarah Edwards has asked counsel to advise the court that, should the Court deem it necessary to have Mr. Gonzalez appear in court to execute the waivers contained in this notice, she is available to be in Miami to attend the hearing this coming Wednesday, August 22, 2018 and Thursday, August 23, 2018 as the Court pleases.

Respectfully submitted,

JONES WALKER, LLP

201 S. Biscayne Blvd., Twenty Sixth Floor

Miami, Florida 33131

Telephone: 305-679-5700

Facsimile: 305-679-5710

Email: eshohat@joneswalker.com

/s/ Edward R. Shohat

Florida Bar No. 152634

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on this 20th day of August, 2018, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify the foregoing document is being served this day on all counsel of record either via transmission of Notices of Electronic Filing generated by CM/ECF or in another authorized manner for those counsel or parties not authorized to receive electronically Notices of Electronic Filing.

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/s/ Edward R. Shohat

EDWARD R. SHOHAT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 18-mj-03171- O'Sullivan

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE MANUEL GONZALEZ TESTINO,

Defendant.

//

LIMITED ADDITIONAL WAIVER OF SPEEDY TRIAL

Defendant, Jose Manuel Gonzalez, through his signature below and through counsel hereby provides a limited additional waiver of speedy trial:

I understand my right to a speedy trial as guaranteed by the Sixth Amendment to the United States Constitution and the Speedy Trial Act, 18 U.S.C. §§ 3161-3174. I conferred with my lawyer regarding my rights to a speedy trial.

I freely, knowingly, and voluntarily waive my rights under the Speedy Trial Act and the United States Constitution from August 29, 2018 through the initial appearance in this matter in the Southern District of Texas.

Pursuant to Title 28, United States Code, Section 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: August 21, 2018


JOSE MANUEL GONZALEZ TESTINO

Respectfully submitted,

JONES WALKER, LLP

201 S. Biscayne Blvd., Twenty Sixth Floor

Miami, Florida 33131

Telephone: 305-679-5700

Facsimile: 305-679-5710

Email: eshohat@joneswalker.com

/s/ Edward R. Shohat

Florida Bar No. 152634

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on this 21st day of August, 2018, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify the foregoing document is being served this day on all counsel of record either via transmission of Notices of Electronic Filing generated by CM/ECF or in another authorized manner for those counsel or parties not authorized to receive electronically Notices of Electronic Filing.

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Sarah.Edwards@usdoj.com

/s/ Edward R. Shohat

EDWARD R. SHOHAT

COURT MINUTES

Magistrate Judge Edwin G. Torres

King Building Courtroom 10-5

Date: 08.29.18

Time: 10:00 a.m.

Defendant: JOSE MANUEL GONZALEZ TESTINO J#: 78978-104 Case #: 18-3171-LOUISAUSA: Robert Juman Attorney: ED SHOHAT (PERM)Violation: WARR/COMPL/SD/TX/CONSPIRACY TO VIOLATEProceeding: REMOVAL/DETENTION HEARING CJA Appt: _____Bond/PTD Held: ☐ Yes ☐ No Recommended Bond: TEMP PTD

Bond Set at: _____ Co-signed by: _____

☐ Surrender and/or do not obtain passports/travel docsLanguage: English☐ Report to PTS as directed/or _____ x's a week/month by phone: _____ x's a week/month in person☐ Random urine testing by Pretrial Services _____ Treatment as deemed necessary☐ Refrain from excessive use of alcohol☐ Participate in mental health assessment & treatment☐ Maintain or seek full-time employment/education☐ No contact with victims/witnesses☐ No firearms☐ Not to encumber property☐ May not visit transportation establishments☐ Home Confinement/Electronic Monitoring and/or Curfew _____ pm to _____ am, paid by _____☐ Allowances: Medical needs, court appearances, attorney visits, religious, employment☐ Travel extended to: _____☐ Other: _____

Disposition:

Defendant WAIVED removal [de 10]

and the parties STIPULATED to pretrial detention, with the right to revisit (NO HEARING HELD)

Time from today to _____ excluded from Speedy Trial Clock

NEXT COURT APPEARANCE

Date:

Time:

Judge:

Place:

Report RE Counsel: _____

PTD/Bond Hearing: _____

Prelim/Arraign or Removal: _____

Status Conference RE: _____

D.A.R. 10:06:58Time in Court: 2

United States District Court
Southern District of Florida
Case No. 18-3171-LOUIS

UNITED STATES OF AMERICA,

v.

Charging District's Case No. H18-1203M

JOSE MANUEL GONZALEZ TESTINO,
(USM# 78978-104)

COMMITMENT TO ANOTHER DISTRICT

The defendant has been ordered to appear in the .

ED SHOHAT represents Defendant for proceedings in this District.

The defendant remains in custody after the initial appearance in the Southern District of Florida.

IT IS ORDERED that the United States marshal must transport the defendant, together with a copy of this order, to the charging district and deliver the defendant to the United States marshal for that district, or to another officer authorized to receive the defendant. The marshal or officer in the charging district should immediately notify the United States attorney and the clerk of court for that district of the defendant's arrival so that further proceedings may be promptly scheduled. The clerk of this district must promptly transmit the papers and any bail to the charging district.

DONE AND ORDERED at Miami, Florida on 08.29.18.



Edwin G. Torres
UNITED STATES MAGISTRATE JUDGE